

## 2023-24: South East Memorandum of Understanding

We ask the Director of Children's Services, the Chief Executive and the Lead Member for Children's Services for each authority to sign this document to symbolise the professional, corporate and political commitment to joint working in the interests of promoting better outcomes for children and young people.

### 1. Introduction

- 1.1. In 2014, a memorandum was developed jointly by ADCS, LGA and SOLACE for national use. In 2018, 2019, 2021 and 2022 versions were developed for use by the South East Sector Led Improvement Programme, the regional improvement and innovation alliance in the south east. This version is a further iteration of the base document, brought up to date for use from May 2023 onwards.
- 1.2. It has not been endorsed by the governance processes of the three organisations: it is offered as a basis for sustaining the work of the SESLI programme.

### 2. Aims and key principles

- 2.1. Directors of children's services, lead members and chief executives will work to improve outcomes for children and young people and to demonstrate the capacity and capability of the sector to achieve a coherent and consistent self-improving system. This will include a commitment to work with other sector led improvement boards and with regard to the context set by national government and regulatory bodies.
- 2.2. We will promote:
  - i. a non-stigmatising approach to improvement
  - ii. support for innovation and new approaches to service delivery challenges
  - iii. development of the skills of staff, managers, corporate and political leaders
  - iv. increased sharing of ideas, insight, understanding and solutions
- 2.3. The role of the lead members is to maintain an overview of the performance of the local government sector, to identify potential performance challenges and opportunities, and to provide tools and support to help councils take advantage of the approach.
- 2.4. The role of chief executives is to ensure the engagement of the professional leadership of local government in sector led improvement and inform its work from their unique perspective of the full extent of corporate and partnership activity
- 2.5. The role of directors of children's services is to provide the reservoir of critical sector expertise and engage the leadership of children's services in sector led improvement.
- 2.6. The key principles behind programmes of activity in common with those for all sector led improvement are that:

- i. councils are responsible for their own performance and improvement and for leading the delivery of improved outcomes for local people in their area
  - ii. councils are primarily accountable to local communities and stronger accountability through increased transparency helps local people drive further improvement
  - iii. councils have a collective responsibility for the performance of the sector as a whole
  - iv. the regional partnership exists to help councils diagnose their own improvement needs and to respond positively with supportive programmes
- 2.7. It is recognised that central government through statute and regulation may also seek to hold councils to account through inspection and in some cases through intervention.

### **3. Financial protocol**

- 3.1. The work of SESLIP is paid for by members' subscriptions and by specific government grants. A copy of the subscription agreement is at Appendix 1.
- 3.2. In 2021-22, 2022-23 and again in 2023-24, DfE funds have been paid to East Sussex County Council via a s31 grant in respect of improvement activities. Any authority receiving a transfer of part of this grant from East Sussex County Council will accept the conditions attached to the main grant and assist East Sussex County Council in the proper administration of the grant.
- 3.3. The method of transferring the approved sums will be by purchase order and invoice.
- 3.4. The SESLIP programme manager will collect progress reports from the project managers and present a highlight report to meetings of the SESLIP Steering Group.

### **4. Third party disclosure protocol for worries and concerns about potential service failure**

- 4.1. We expect that in the normal cycle of improvement activity, all councils will acknowledge and prioritise areas for improvement as well as contributing offers of help and assistance to others.
- 4.2. We acknowledge that there may be occasions when colleagues become worried or concerned about the current or future overall quality of children's services in a particular local authority area. Such a conclusion could be reached after receiving information from a range of formal and informal sources.
- 4.3. We further acknowledge that in the interests of children and young people it may be appropriate to act on these worries or concerns; and that this may include sharing such worries and concerns with colleagues within SESLIP or with an external agency such as the Department for Education or Ofsted.
- 4.4. This third-party disclosure protocol sets out the principles that lead member, chief executive, DCS or SESLIP staff colleagues should follow.

- 4.4.1. Colleagues should approach their peers: lead member to lead member; chief executive to chief executive; DCS to DCS. SESLIP or LGA staff members should approach the DCS. Practice leaders or other senior staff within a local authority should act through their DCS.
- 4.4.2. The first disclosure of any worries or concerns should be to the relevant peer at the local authority concerned.
- 4.4.3. When approaching a peer with worries or concerns, colleagues should act in the interest of children and young people and should offer their understanding, support and help.
- 4.4.4. Before taking their worries and concerns any further, colleagues should ask the relevant peer to:
  - i. verify any matters of fact
  - ii. describe the situation in their own words
  - iii. say what further actions would be helpful
  - iv. self-refer to assistance programmes whether operated by SESLIP, LGA or external agencies as appropriate, in order to initiate rapid support
- 4.4.5. Any subsequent disclosure to other SESLIP colleagues or external agencies should be restricted to information that the peer has agreed can be shared.
- 4.4.6. If a colleague's worries or concerns are not dispelled and agreement for further sharing is withheld, in some extreme cases escalation may be appropriate.
- 4.4.7. Escalation of worries or concerns will be to an appropriate member of the SESLIP Steering Group and will involve disclosure of the nature of the original worries or concerns and the nature of the response received. The peer should be notified that the colleague will be escalating the concerns.
- 4.4.8. The subsequent steps will be dependent on the circumstances of the case; they will follow the principles of acting in the interests of children and young people, with respect for the staff and members of the local authority concerned and be aimed at encouraging self-referral and initiating rapid support. The regional chair(s) of the ADCS may also be consulted.
- 4.4.9. This protocol is not intended to deal with knowledge of individual cases that involve suspected criminality or serious safeguarding concerns; in those cases, there are existing statutory disclosure duties.

## **5. Data sharing protocol**

- 5.1. SESLI programme members agree the data sharing protocol which sets out the limits of usage and publication of operational and unaudited performance data which is routinely collected and shared every quarter. It also sets out responsibilities under GDPR legislation.
- 5.2. There is also a provision for sharing anonymised benchmarking data with local service delivery partners and with Ofsted. In this case the local authority sharing the data identifies its own performance but conceals the identity of the authorities in the benchmarking group.
- 5.3. Where child level data is required for regional benchmarking or other ad hoc projects specific Data Privacy Impact Assessments will accompany the data request to demonstrate how the collection meets the requirements of the GDPR.



- 5.4. Subject to appropriate quality assurance checks, summary benchmarking reports (including the nationally agreed list of indicators) will be shared with the DfE and may be shared with others such as Ofsted.
- 5.5. This data sharing protocol has been designed by SESLIP and endorsed by the south east data benchmarking group. It covers all 19 authorities in the south east and those authorities from outside the region who have elected to join the data benchmarking group.
- 5.5.1. The data sharing protocol will apply to all staff in the authority who are involved in producing, using and sharing data and unpublished information.
- 5.5.2. The protocol (apart from being good practice) has become necessary because of the increased activity by the programme in peer review and data benchmarking activity, involving the sharing between authorities (and third-party partner agencies) of unaudited and unpublished data and information which is not in the public domain. It has also become necessary because of the Ofsted requirements to provide evidence of benchmarking and peer review activity.
- 5.5.3. In signing this memorandum, the following things are agreed:
- i. designating the south east data benchmarking reports (as published and distributed by East Sussex County Council (ESCC)) and any peer review reports as being for internal and limited use only. Such documents will only be shared in their published form with key staff within the authority, unless express permission has been received from the other authority(s) before they are shared wider
  - ii. ensuring that the data/reports are not shared in their published form outside the authority, for use by partner agencies or as part of an inspection process or Freedom of Information request, unless express permission has been received from the other authority(s)
  - iii. ensuring that where it is necessary to show such reports to partners or as part of an inspection that all third-party data is suitably anonymised so that authorities cannot be recognised in the report, even by inference
  - iv. the exception to this is where benchmarking reports contain only data which is already verified and in the public domain (i.e., already published by the DfE), where there is no requirement to anonymise, or gain permission, before circulating
  - v. ensuring that staff are aware of the existence of this protocol and adhere to it.
- 5.5.4. The Regional Improvement and Innovation Alliance (RIIA) Data Set
- i. The Regional Improvement and Innovation Alliance (RIIA) Data Set will be submitted quarterly to the DfE and shared cross-regionally, facilitated by the Data to Insight Project, to allow smarter use of these insights e.g., via comparisons with statistical neighbours and England rather than just neighbouring LAs. It will also be used by ADCS to reduce burdens on members, particularly in relation to the bi-annual Safeguarding Pressures data collection and with the LGA to support sector led improvement
  - ii. Individual authorities and regions should use the standard CSV templates in sharing these data to allow for easier collation and analysis and observe the guidance that sits alongside the new dataset, accepting that there are some understandable variations in the local arrangement of services and therefore recording and reporting. Submission of data should be timely and in line with guidance



- iii. The DfE will share insights from these quarterly data with relevant policy teams to inform their work. The DfE's children's social care regional improvement team will act as the internal point of contact for any queries raised by policy teams. Ministers may also wish to see these data to get a sense of the overall pressures in and health of the system. By agreement, the DfE may seek to share the insights from quarterly RIIA data more broadly across government departments. Good notice of these requests is required to allow regional groups the opportunity to fully consider and respond.

5.5.5. In providing data processing services to facilitate benchmarking it is agreed that ESCC will be the data processor and that the relevant authority will be the data controller. In this regard, both ESCC and the relevant authority agree to observe all their obligations which arise under the data protection legislation, including (without limitation) acknowledging and complying with the wishes of individuals exercising rights under the GDPR to give consent to the use of their personal data or to withdraw or make such consent conditional and to have their personal data transferred or erased. ESCC and the relevant authority will put in place specific procedures for this purpose and will ensure that all personal data is processed lawfully, fairly and transparently and is kept secure. ESCC and the relevant authority will perform their obligations in such a way as to ensure that it does not cause the other party to breach any of its applicable obligations under the data protection legislation.

5.5.6. The continued operation and effectiveness of this protocol will be monitored by the data benchmarking group and any issues reported back to Directors of Children's Services via the Sector Led Improvement Programme.

- 5.6. SESLI programme participants acknowledge that work email addresses and phone numbers may be displayed on the programme website in connection with their participation in SESLIP activities. Any member of staff who wishes to withhold their consent for this use should contact the SESLI programme manager.

## **6. Local and regional activity**

- 6.1. Sector led improvement will be delivered operationally at the local, regional and national level. Each level will need to be inter-related and mutually supportive as the success of the programme will be dependent on all three levels working together.

- 6.2. Locally: We will encourage:

- 6.2.1. Lead members, chief executives, directors of children's services and chairs of local safeguarding boards to create a self-aware and learning culture, which is driven by improving outcomes for children and families
- 6.2.2. Councils to choose to engage in sector led improvement
- 6.2.3. The routine use of self-assessment and external challenge to validate quality assurance, particularly in safeguarding and care
- 6.2.4. Councils to make information available to the public including benchmarking data to strengthen local accountability
- 6.2.5. Upholding the principle of listening to the voice of children and families in shaping their own journey and in influencing the provision of services for them
- 6.2.6. Working in close partnership with other organisations and agencies in a manner that is transparent, accountable and effective in delivering measurable improvement



- 6.3. Regionally: lead members, chief executives, directors of children's services will work collaboratively through their own agreed governance and self-funded arrangements to:
- 6.3.1. Provide leadership and drive in the collective improvement of children's services within the region and support other sector led national and regional Boards in their endeavours to do so
  - 6.3.2. Establish a culture of honest and constructive dialogue and challenge within and between authorities
  - 6.3.3. Work with other established bodies (including Ofsted and DfE) to ensure the most efficient and effective approach to working with councils
  - 6.3.4. Deliver a system of peer scrutiny and challenge which supports self-awareness and continuous improvement
  - 6.3.5. Encourage the use of, and develop where appropriate, diagnostic tools to help councils understand their own performance
  - 6.3.6. Respect the confidentiality of documents and other information shared as part of the regional improvement programme
  - 6.3.7. Contribute to the identification and dissemination of good practice and development of sector leadership and peer support capacity

Signed for ..... Council by

Date ..... 2023

Director of Children's Services	Chief Executive	Lead Member
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## Appendix 1

### Annual Subscription to the South East Sector Led Improvement Programme - Terms and Conditions

1. The South East Sector Led Improvement Programme operates under the terms of "a Memorandum of Understanding (this document) - taking forward children's sector-led improvement", which has been agreed by LGA, ADCS and SOLACE at a national level and was endorsed by the regional representatives.
2. In return for the payment of the annual subscription ESCC will, on behalf of the South East Sector Led Improvement Programme:
  - i. deliver a programme of improvement activities
  - ii. retain appropriate consultants and suppliers to deliver the programme
  - iii. maintain a steering group to manage the programme
  - iv. communicate information about the programme via a website ([www.seslip.co.uk](http://www.seslip.co.uk)) and weekly update email
  - v. attend meetings of the South East branch of the ADCS to report back on progress
3. The annual subscription for 2023-24 is £12,500 per large authority (400,000 population plus) and £6,250 per small authority (less than 400,000 population) payable upon invoicing by ESCC. These amounts exclude VAT and are subject to annual review.
4. The detail of the content of the programme varies from time-to-time, and the current plans are available from [www.seslip.co.uk](http://www.seslip.co.uk) or the Programme Manager, [richard.tyndall@richardtyndall.co.uk](mailto:richard.tyndall@richardtyndall.co.uk).
5. The steering group is chaired by Alison Jeffery, Director of Children's Services and the current membership is listed at [www.seslip.co.uk/sesli-programme-steering-group](http://www.seslip.co.uk/sesli-programme-steering-group)
6. At the termination of the agreement, any balance of funds, either surplus or deficit, will be shared between partners in proportion to their contribution for the year, and be reimbursed / paid within 3 months of the termination.
7. In the event that there is any complaint or dispute about the conduct of the Programme, please address your concerns in the first instance to the Programme Manager [richard.tyndall@richardtyndall.co.uk](mailto:richard.tyndall@richardtyndall.co.uk) or to the Chair of the Steering Group [alison.jeffery@eastsussex.gov.uk](mailto:alison.jeffery@eastsussex.gov.uk).